

## **TERRORISM, EXTRADITION AND INTERNATIONAL COOPERATION THROUGH A LOOKING GLASS**

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### **ABSTRACT**

The history of terrorism is as old as human's willingness to use violence to affect politics. The sicarii were a first century Jewish group who murdered enemies and collaborators in their campaign to oust their Roman rulers from Judea. If we will look to the west we find Terrorism in Europe in violent form since three decades. These instances have become a part of political reality. Americans have protected themselves from such terrorist's attacks until Sep 11 2001. They however persuaded all the countries globally to suppress the world wide terrorism, aided countries for which the terrorism was looming clouds on a large scale causing threat to the peace for their country and to the world. American tried their best to achieve this by non-violent and legal means.

**KEYWORDS:** Terrorism, Terrorism on Humankind, Extradition

### **INTRODUCTION**

#### **Impact of Terrorism on Humankind**

Terrorism has been in the international agenda since 1934. The League of Nations has taken the first step towards combating terrorism by a draft convention for the prevention and punishment of terrorism. This was adopted in 1937 but never saw the light. 14 Universal legal Instruments came up by the international community collectively since 1963 onwards. These instruments were developed by the countries under the United Nations and its specialized agencies.

The very act of terrorism is for the furtherance of a political purpose. Terrorism is said to mean to inflict injury on civilians and to create some sort of a fear, generally for furtherance of political purposes. It does not matter for any secular and religious purposes. Terrorism is more heinous than any other ordinary crimes. They are just not mere criminal actions but much more than that. They entail more systematic approach and planning and very systematic strategic means to achieve their ends. They have always involved political strategies of fear, coercion and armed conflicts. They have become convenient instruments to use coercive forces on other states for conducive foreign policies.

Terrorism is not only a problem politically and militarily but it is also a societal problem. The consequences of terrorism are such that the individuals lose their very rights which they are legal entitled in other words they cannot enjoy their rights and liberties to which they are rightfully entitled to. The impact of terrorism was felt across the world. The government and the states become de-stabilized; the civil society is undermined, imperils the peace and security, and endangers the economic and social development.

The very fundamental rights—the freedom of expression, freedom of assembly and association has been proved very challenging to counter terrorism acts. To take counter terrorism measures to prevent terrorism it is crucial to understand the situations and conditions that might lead to extreme extremism and change radically.

Impact of terrorism is felt even in daily lives of individuals too. Terror as such affects all aspects human life, like- in terms of security, economy, migration, future anxiety. Sufficient portion of people associate terror with, people who cannot get what they want through proper means and so resort through terrorism means. If there is terror then the future becomes scarier and no body looks at the future with vision. Other aspect is with migration. People tend to migrate to much far off places due to the fear of terrorism or say to places where threat is less.

The weakening factor which is responsible for global terrorism is the way in which the States handle it. States fundamentally devoted attention to politically inspired terrorism. States in fact directs its action to the representatives of the states concerned and certain other victims of parabolic value.<sup>1</sup> Some states have manifested that the rationale does not necessarily turn the political aim into an element of terrorist crime.<sup>2</sup>

Terrorism as a modern phenomenon acquired the characteristics from the International system of nation states and largely depends upon the media to create and spread terror among people. The origins of modern terrorism can be traced back from 1793. In 1793, during the reign of Robespierre—One of the twelve heads of a newly formed state after the French revolution had killed the enemies of the revolution and instilled terror and installed dictatorial form of government to preserve and secure the country. Maximilien Robespierre justified that his methods were necessary in the transformation of monarchical form to liberal democracy. He believed one must subdue the enemies of liberty only through terror and he will be right as the founders of Republic. He laid the foundations for the modern terrorism and believed that terror and violence alone shall usher a better system.

During the 1950's the rise of Non-state Terrorism took place. The Non- State actors invented and used the tactics of guerrilla Warfare in instilling fear. This was due to several factors—like ethnic nationalism, anti- colonial feelings against the British, French and other empires, ideologies like communism had sprung up. Certain groups which can be called as terrorism groups with a nationalistic agenda were spread throughout the world. Examples of such are, the army of the Irish Republican grew from the Irish Catholics to form a Republic than to be a part of Britain.

During the 1960's International terrorism took a take off by the use of Hijacking as a method of terrorist attacks. Terrorist Hijacking was mainly used for political purposes through hostage taking which has resorted to inducement of fear and threat. During 1960 onwards Hijacking became a favoured tactic for example in 1968 Popular Front for the Liberation of Palestine had hijacked a flight of an EI AI from Rome to Tel Aviv and coerced Israel to release prisoners in return for release of hostages. These terrorists also claimed that hijacking for ulterior purposes of the state was secondary, but they wanted to gain attention from the world at large, which they got it. More notable aspect of the terrorists was, they learned to exploit the media attention to suit to their advantage. In 1972, Munich Olympics, a terrorist group by name Black September Group took 11 athletes as captives to only draw the attention of the world as whole for a national cause. AK-47 rifles were created by taking the advantage of the black market which was very much prevalent in Soviet Union during 1989 collapse. Terrorism emerged in United States too. There were groups like the weatherman emerged out of the

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<sup>1</sup>The political element undoubtedly played a decisive role, and still does, in the description of some relevant historical manifestations of terrorism and in the general debate, in such a way as to push states to establish mechanisms of international co-operation (in an area, criminal law, where the readiness to collaborate has been traditionally poor) or to enact emergency laws at the internal level (due to the fear of internal security)

<sup>2</sup>For instance, sectoral terrorism treaties often describe crimes with regard to their objective nature, not distinguishing whether the author is politically motivated or not, thus pointing more at the interests offended by the conduct than the ideological motivations behind it: for this view see also Sandoz, 'Lutte contre le terrorisme et droit international: risques et opportunités'.

students who were actually non-violent, they latter turned themselves into violent group by involving themselves into activities like rioting and bomb blasts during the Vietnam War in protest of it.

From 1990's onwards the world has witnessed religiously motivated terrorism. The names of groups and organization which come to mind first are AL Qaeda, Hamas Hezbollah—they justify violence on Islamic grounds. Whereas other religions like Christianity, Judaism, Hinduism has given rise to militant extremism. Terrorism took a new dimension by making religion as a central feature. This kind of new terrorism is marked by tactics, indiscriminate attack against innocent targets, networking systems, use of technology, sophisticated weapons. Many terrorist groups like Al Qaeda and its Islamic allies spearheaded this strategy and became a role model for other similarly motivated groups and individuals. These terrorist groups believe that they can attract the attention of the world by resorting to these tactics and further their agenda and grievances. It can be believed that their grievances would receive more widespread attention and their adversaries will be challenged to defeat them. Hence such groups and organizations would resort to these tactics in near future too.

According to the National Advisory Committee on Criminal Justice standards and Goals, there are at least seven well defined types of terrorism. All of them share a common ends of terrorism like they invoke fear, resort to indiscriminate attacks, target innocent civilians.

- Civil disorder
- Political terrorism
- State terrorism
- Religious terrorism
- Bio-terrorism
- Narcoterrorism
- Cyber terrorism

### Counter Measures

The terrorism use different methods of instilling violence to get their message understood. It can result in any form like from assault to weapons, devices to chemicals which could be toxic too. All these are used against general public.

The counter measures are more useful in dealing with certain specific types of terrorism. It is for the policy makes to understand the motive message of these terrorists, and evolve strategies and adopt them to put in practice and challenge the terrorists groups or individuals and equally spread the message—that instilling fear and violence on the general public is next to impossibility. The methods which can be adopted are:

- Regular policing
- Taking out leaders and members of terrorist groups with specific skills
- Targeting terrorist funding
- Inclusive political processes that permits outlets for political dissent.

- Curb Money Laundering. It provides fuel for terrorists and other criminals to operate and expand their criminal enterprises.

Finally, facilitating the exit of individual terrorist from these terrorist activities and creating peaceful reintegration into society is also an important step in putting an end to terrorism.

### **Extradition**

When one person commits a crime in a state and then goes to a different state, the person can be sent back to the state where the crime was committed. Extradition may be described as the surrender of an offender by one state to another. Any person who commits a crime cannot go unpunished is the fundamental bedrock of purpose of law. It is nothing but a legal method of preventing the offender from evading justice. The state exercises its power through its sovereign and extends till the boundaries of the state. If there was no extradition then it becomes easy for the offenders to avoid and evade justice and punishment.

Extradition is not a judicial function<sup>3</sup>, although it is a formal process by which a person who is found in one country is surrendered to the country where the person has committed a crime, and this process is regulated by an understanding known as Extradition treaty. Extradition is based upon comity of nations.

Extradition plays a vital role in the International co-operation against crime. It is based on the principle of territoriality of criminal law which means the state cannot try a person who has committed offensive acts outside the territory of the boundaries of that state except where the nation's security is at stake. Usually the states in view of solidarity in subduing of criminality though refusing to impose penal sanctions to offences committed outside the territory is willing to co-operate to bring the offender to justice instead of let go of him unpunished.

ICPO-(International Criminal Police Organization) is also called as Interpol has been the harbinger in International efforts to bring improvements in the procedure of extradition. Interpol was the first such organization in bringing to all member countries a Draft General Agreement for the extradition of Offenders, which fortunately or unfortunately remained a dead letter since the time it was adopted by the General Assembly of the organization in 1948. In early 1950's ICPO's General Secretariat on behalf of the member countries under took two activities in the form of initiatives which intended to facilitate extradition through International Police co-operation. The initiatives were:

- Publication of circulars on country basis stating out the tentative measures that the police in each country has to undertake when complying with a request from another member police of a member country for swift action with a view to identify and arrest of a person who is wanted on an arrest warrant.
- The second initiative is dissemination of national extradition laws.

These activities were based on the resolution taken by the General Assembly passed in 1967 in Tokyo inviting member countries to progress their texts of extradition laws to the general Secretariat to that they can disseminate the information to other countries so that other countries have information. They are being maintained by the Interpol wing.

Extradition Treaties most often have provisions of exceptions under which nations can refuse to surrender the fugitive. Many nations do not surrender persons charged with certain kind of offences which are of political nature such as

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<sup>3</sup>Pajkanovic v. United States, 353 Fed. Appx.183 (11th Cir. Fla. 2009).

Treason, Sedition and Espionage. Not every criminal act would be protected. For example some countries do not consider assassination of a head of a Foreign Government as Political Offences and hence are not exempt from extradition. Rise in different kind of crimes like hijacking, terrorism and hostage taking had led many countries to enter into bilateral and multilateral treaties and conventions in which signatory countries mutually agreed to extradite individuals who committed such crimes.

Extradition between nations is governed by treaties known as extradition treaties. These treaties are based on where the accused is presently located and the country seeking for return to try the offender for the alleged crime. India has entered extradition treaties with 37 countries. The recent one is with Vietnam in 2013. To deduce whether an individual can be extradited according to a treaty, the content of a particular treaty must be examined. Few treaties list all the offences for which the offender can be extradited, few others provided a minimum standard of punishment that would render a particular offense extraditable. Most countries follow the second category. The countries do not specifically say, but contemplate that for an offense to be a subject of extradition, it must be recognized as crime under the law of both the countries. This is what is known as Double Criminality. The name of the offence and the punishment need not be the same, once it is recognized as an offence in both countries that suffices for double criminality.<sup>4</sup> There is another doctrine which governs extradition—The Doctrine of Specialty. According to this doctrine, once a person has been surrendered, he or she can be punished only for the crime for which the request of extradition was made and not for any other crime. This doctrine is applied even when it is not specifically stated in the treaty. This doctrine was first applied in United States.<sup>5</sup>

Extradition treaties generally provide with certain exceptions under which a country could refuse to surrender the criminal sought by another country. Most nations do not extradite persons charged with certain kind of offences like—Political Offences, Military Offences, Religious Offences and Espionage. Every criminal act will not be protected. For example there are certain treaties which provides that the assassination of a head of a government does not constitute a Political Offence and hence is not exempted under the list of exemptions in Extradition Treaties.

In the wake of rising aircraft hijacking, terrorism and hostage taking crimes, many countries have entered into multilateral conventions where the signatory countries mutually agreed to extradite criminals who have committed such crimes. Nevertheless there are certain crimes which are exempted under extradition. Like—

- Failure to fulfill rule of double criminality.
- Political offences.
- Death penalty
- Torture, inhuman or degrading treatment or punishment.
- Jurisdiction.
- Own Nationals.

Extradition has significant implications in transnational criminal law are that of *aut dedere aut judicare*.<sup>6</sup> This

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<sup>4</sup>Collins v. Loisel, 259 U.S. 309, 42 S. Ct. 469, 66L. Ed. 956 [1922]

<sup>5</sup>United States v. Rauscher, 119 U.S. 407, 7 S. Ct. 234, 30 L. Ed. 425 (1886)

<sup>6</sup>Dan E. Stigall, Ungoverned Spaces, Transnational Crime, and the Prohibition on Extraterritorial Enforcement Jurisdiction in International Law.

maxim explains the principle that the states must either surrender the criminal or prosecute the offender under their municipal courts. Many bilateral and multilateral agreements accommodate *aut dedere aut judicare* provisions. These include:--

- All four 1949 Geneva Conventions,
- The U.N. Convention for the Suppression of Terrorist Bombings,
- The U.N. Convention Against Corruption,
- The Convention for the Suppression of Unlawful Seizure of Aircraft,
- The Convention Against Torture and Other Cruel,
- Inhuman or Degrading Treatment or Punishment,
- The Convention for the Protection of Cultural Property in the Event of an Armed Conflict, and
- The International Convention for the Suppression and Punishment of the Crime of Apartheid.

## OBSTACLES ENCOUNTERED IN EXTRADITION

### Non Bis in Idem or Double Jeopardy Provisions

Many countries provide in their extradition treaties prohibiting extradition when a person sought has already been convicted or acquitted for the same offence.<sup>7</sup> International mobility has increased in the present day times; mobility of the criminals internationally has become much easier and combined with organized crime which is inherently transnational in nature. Organized crime like terrorism, aircraft-hijacking and corruption increased the growing need for revising of double jeopardy or *non bis in idem* provisions.

Extradition treaties are governed by the mutual cooperation between states and practically if there exists no clear mutually accepted travaux préparatoires<sup>8</sup> to a treaty which throws a light, the answer would depend upon the requested state's interpretation of the treaty clause and its domestic laws. This may lead to difficulty when the requesting and requested states' interpretation and its applicable domestic laws. This happens because they fundamentally rely on different legislations.

### Severity in Punishments

There are punishments like –Life imprisonment and capital punishments which have a greater impact on extradition practice having similar concerns which has arisen recently relative to severity of punishment in non-capital cases. The variation in this concern arises under certain instances where the punishment for a particular crime is life imprisonment in the requesting state or in certain instances it could also be an indeterminate sentence too. In few instances extradition treaties don't provide for sentences with an exception clause of previously mention 'assurances' in capital punishment cases.<sup>9</sup> However those judicial decisions in interpreting their constitutions where life imprisonment and

<sup>7</sup>1 Extradition Treaty, June 25, 1997, U.S.-India, art. 6(1), S. TREATY DOC. 105-30 (1997)

<sup>8</sup>The Travaux Préparatoires are official documents recording the negotiations, drafting, and discussions during the process of creating a treaty. These documents may be consulted and taken into consideration when interpreting treaties.

<sup>9</sup>Compare "In view of the abolition of capital punishment and of imprisonment for life by Constitutional provision in Venezuela, the Contracting Parties reserve the right to decline to grant extradition for crimes punishable by death and life imprisonment. Nevertheless, the Executive Authority of each of the Contracting Parties shall have the power to grant extradition for such crimes upon the receipt of

indeterminate sentences have no place are found to be unconstitutional and are outside the scope of extradition treaties. Few countries have begun to deny extradition based on such sentences. These aspects become hindrances for extradition of criminals.

In most of the common law systems the extradition proceedings practically could be protracted, expensive and can also lead to lengthy proceedings which lead to delays in returning aspects. It could also lead to witnesses withdrawing their witness due to apparent fear and intimidation. For example-- following the US Embassy bombings in East Africa in August 1998, the US lodged an extradition request to the UK in respect of three individuals, Al-Fawwaz, Abdel Bary&Eidarus for their alleged part in the conspiracy. All 3 suspects were arrested on 27 September 1998. Since then there has been number of hearings in U.K. and then the matter came before the European Court on Human Rights. After 13 years one of the suspects died and the other two were waiting for their turn to be heard in near future. Strasbourg. Similarly, other requests [Abu Hamza (27 May 2004), Babar Ahmad(5 August 2004) , Haroon Rashid Aswat (7 August 2005), Syed Talha Ahsan (19 July 2006)] from the US relating to terrorist activities matters are presently before the European Court on Human Rights and are not likely to be heard at least in the near future.

### **Position in India**

Extradition process in India is governed by the Indian Extradition Act 1962. The Act governs the extradition and its process of a fugitive from India to a foreign country or vice-versa. The very basis of extradition is by a treaty between India and other country where the accused is. According to the section 3 of the Extradition Act of 1962, a notification to be issued by the Government of India, the information regarding the absconding criminals in foreign countries and is received directly either form the concerned country or through the general secretariat of the ICPO- Interpol in the form of red notices. The Interpol wing of the Central Bureau of Investigation immediately passes it to the concerned police agencies. These notices which are received from General Secretariat are circulated to all the police agencies and immigration authorities as well. The question arises as to what kind of action is taken by the police on receiving the information regarding the absconder criminal who is wanted in a foreign country. The following law is relevant in this connection:

- Action can be taken in accordance with the Indian Extradition Act. Article 34(b) of 1962.
- An action shall lie in accordance with the provisions of section 41(1) (g) of Cr.P.C, 1973.
- In case the offender is an Indian National, an action shall lie under section 188 of Cr.P.C.

In India it has always been a concern due to number of case, such as extradition of Nadeem, who was involved in Gulshan Kumar murder case, Dawood—involved in in Bombay bomb blast in 1992 . The whereabouts of Dawood is still not known. Underworld don and prime accused Abu Salem and his wife Monica Bedi, accused in Mumbai blasts case was extradited from Portugal. He was later tried and convicted to life imprisonment in Pradeep Jain's murder case on 25 Feb 2015.

India could not succeed in getting criminals extradited, who have taken shelter in Western countries. There is a feeling amongst government circles that those countries are aiding the accused.

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satisfactory assurances that in case of conviction the death penalty or imprisonment for life will not be inflicted. Extradition Treaty, Jan. 19-21, 1922, U.S.-Venez., art.4, 43 Stat. 1698. See also POR.CONST. (Constitutional Law No. 1/97, 1997) art. 33(5): Extradition in respect of offences punishable, under the law of the requesting State, by deprivation of liberty or detention order for life or an indeterminate term, shall only be permitted on condition of reciprocity based on an international agreement and provided that the requesting State gives an assurance that such sentence or detention order will not be imposed or enforced

## International Co-operation

In international law, states responsibility lies to ensure that harm is not caused to foreign nationals. The governments of states are however not liable for each and every wrongful act done by their nationals. If the governments become aware of the citizens intention to commit wrongful activities or instigates to abet any kind of criminal activities against any other state must be punished and not encouraged. This is clearly stated by the Declaration of Principles of International Law Concerning Friendly Relations and Co-Operation among states 1970.<sup>10</sup>

There are constitutional and procedural protections given to the terrorists who eventually seek protection and prohibit the process of extradition have progressed in such a sympathetic manner to the rights of all individuals facilitating constitutional safeguards yet without getting overly severe such that to check a successful counter terrorism from being waged.

## CONCLUSIONS

International co-operation is needed in the arena of extradition which is escorted by general duty of non-enquiry would support in preventing the process of extradition. Absence of firm observance to constitutional and criminal safeguards in the extradition process has further simplified the use of extradition as a weapon in the war of terrorism. Such a war if any is conducted within the constraints of the constitution and adhering to the exceptions to the general rule of non-inquiry—(Gallina exception,<sup>11</sup>) the double criminality, the specialty doctrine and the political offence exception may be appealed to remedy any of the insufficiencies in justice and fairness. Cynics feel that the safeguards protect the international terrorist prior to the extradition process may still find wholly unfortunate that the same terrorist who has heartlessly destroyed many lives of citizens through random killings is now masked with such constitutional protections. Notwithstanding any of these concerns it is imperative to observe convincingly the constitutional and procedural obstacles to extradition. These protections protect the country as a whole from governments infringe individual liberties and yet retain the extradition possibilities relatively open.

National and International legal machinery sometimes may fail to prevent the acts of terrorism, and allow some terrorist to escape prosecution, but the victims of terrorist acts must be permitted to seek compensation.<sup>12</sup> In one instance U.S. court has allowed the victims of terrorist attacks to claim compensation.<sup>13</sup> International co-operation becomes demanding when the individual states are unwilling to respect international convention to which they are a party. In this scenario it is cynical that they may not support the victims of terrorist activities to exercise their right to sue for compensation.

The states must co-operate willingly in investigation process and prosecution of offenders in core crimes. Treaty provisions regarding war crimes, genocide, or other types of crimes against humanity are limited whereas practicality

<sup>10</sup>Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations, G.A. Res. 8082, U.N. GAOR, 25th Sess., Annex, Agenda Item 50, U.N. Doc. A/8082 (1970). The declaration asserts that every State is obligated "to refrain from organizing or encouraging the organization of irregular forces or armed bands.., for incursion into the territory of another State." Each state must also "refrain from organizing, instigating, assisting, or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts .... *Id*

<sup>11</sup>Gallina V Fraser, 278 F.3d 77 (2d Cir.1960).

<sup>12</sup>M. BASSIOUNI, INT'L CRIMINAL LAW: A DRAFT INT'L CRIMINAL CODE 9-12 (1980).

<sup>13</sup> See *LeteIier v. Republic of Chile*, 748 F.2d 790 (2d. Cir. 1984), *cm. denied*, 105 S. Ct. 2656 (1985). Assassinated Chilean diplomat's widow was permitted to sue Chilean government. The Court of Appeals, however, held that the assets of the Bank of Chile in the U.S. could not be confiscated to satisfy the judgment.



shows that multilateral treaty on mutual legal assistance for such crimes could provide significant consolidation of international legal framework needed to prosecute such offenders. For some states such multilateral treaties is an obligation to offer international co-operation including extradition because their municipal laws prevent it in the absence of appropriate treaty. For the world community as a whole, international legal framework for judicial assistance is bound to boost the timeliness and efficacy of that assistance. Even in case where the requested state is not willing to co-operate, the very presence of international legal framework refutes and is made not to give any further excuses not to co-operate. For example in Hissene Habre, who is accused of killing thousands of people in political killings and human torture when he ruled Chad in 1982-1990.<sup>14</sup> He was charged in 2000. He was also wanted by Belgium on charges against humanity. In the year 2012 Senegal and African Union entered into an agreement to establish a special court in Senegalese justice system with African Judges who are appointed by the African Union. This agreement became a landmark ruling given by the International Court of Justice on 20<sup>th</sup> July, 2012 bringing Habre to the floors of Justice “without further delay” by prosecuting him or extraditing him. The trial is set to begin on 20 July 2015.

## REFERENCES

1. The political element undoubtedly played a decisive role, and still does, in the description of some relevant historical manifestations of terrorism and in the general debate, in such a way as to push states to establish mechanisms of international co-operation (in an area, criminal law, where the readiness to collaborate has been traditionally poor) or to enact emergency laws at the internal level (due to the fear of internal security)
2. For instance, sectoral terrorism treaties often describe crimes with regard to their objective nature, not distinguishing whether the author is politically motivated or not, thus pointing more at the interests offended by the conduct than the ideological motivations behind it: for this view see also Sandoz, ‘ Lutte contre le terrorisme et droit international: risques et opportunités ’.
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8. The Travaux Préparatoires are official documents recording the negotiations, drafting, and discussions during the process of creating a treaty. These documents may be consulted and taken into consideration when interpreting treaties.
9. Compare “In view of the abolition of capital punishment and of imprisonment for life by Constitutional provision in Venezuela, the Contracting Parties reserve the right to decline to grant extradition for crimes punishable by death and life imprisonment. Nevertheless, the Executive Authority of each of the Contracting Parties shall have the power to grant extradition for such crimes upon the receipt of satisfactory assurances that in case of conviction

<sup>14</sup> See Senegal: Case Against Habré Set to Continue, HUMANRIGHTSWATCH.ORG, <http://www.hrw.org/habre-case>

the death penalty or imprisonment for life will not be inflicted. Extradition Treaty, Jan. 19-21, 1922, U.S.-Venez., art.4, 43 Stat. 1698. See also POR.CONST. (Constitutional Law No. 1/97, 1997) art. 33(5): Extradition in respect of offences punishable, under the law of the requesting State, by deprivation of liberty or detention order for life or an indeterminate term, shall only be permitted on condition of reciprocity based on an international agreement and provided that the requesting State gives an assurance that such sentence or detention order will not be imposed or enforced

10. Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations, G.A. Res. 8082, U.N. GAOR, 25th Sess., Annex, Agenda Item 50, U.N. Doc. A/8082 (1970). The declaration asserts that every State is obligated "to refrain from organizing or encouraging the organization of irregular forces or armed bands..., for incursion into the territory of another State." Each state must also "refrain from organizing, instigating, assisting, or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts ..... *Id*
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